

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 6 (Sub-No. 495X)
BNSF Railway Company – Abandonment Exemption –
in Flathead County, Montana

BACKGROUND

In this proceeding, BNSF Railway Company (BNSF) filed a petition of exemption under 49 U.S.C. § 10502 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in the City of Kalispell (City), Flathead County, Montana. The rail line proposed for abandonment extends approximately 2.7 miles from Milepost 1225.19 to the south end of the line at Milepost 1227.58 and to the west end of the line at Engineering Station 189+36 (Milepost 1227.10) in the City (the line). Maps depicting the line in relationship to the area served are appended to this Environmental Assessment (EA). If the petition becomes effective, BNSF will be able to salvage track, ties, and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

BNSF submitted an Environmental Report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. BNSF served the Environmental Report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

The Saint Paul Minneapolis and Manitoba Railway Company (SPMMR) acquired the line from Milepost 1225 to Milepost 1227.10 in 1892. SPMMR acquired the line from Milepost 1226.91 to Milepost 1227.58 in 1900. SPMMR was sold to the Great Northern Railway Company in 1907. The Great Northern Railway Company and the Northern Pacific Railway Company merged into Great Northern Pacific and Burlington Lines, Inc. in 1961. After a series of name changes, the Burlington Northern Railroad Company merged with the Atchison, Topeka

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 6 (Sub-No. 495X).

and Santa Fe Railway Company in 1996 to become the Burlington Northern and Santa Fe Railway Company, which changed its name to BNSF Railway Company in 2005.

The City Planning Department has been working since early 2010 to bring this proposed rail abandonment to fruition. The proposed abandonment is consistent with the City's existing land use plans. The City adopted an amendment called the Core Area Plan in 2012. A primary pillar of the Core Area Plan is the abandonment of the BNSF rail line through the middle of the City. The Core Area Plan was the impetus for the City to apply for and receive a \$10 million TIGER grant in 2015 from the U.S. Department of Transportation administered by the Federal Railroad Administration (FRA). This grant program, matched by \$12 million dollars in local government funding and a like amount in private funding, laid the ground work for the development of a new rail industrial park called Glacier Rail Park. Glacier Rail Park, located on the east side of town, will provide new rail served lots for the two existing businesses currently using the line as well as providing sites for new industry. Abandonment of the line would allow the redevelopment of the right-of-way into a linear pedestrian transportation system. The City Council notified BNSF in February 2017 that both existing rail users have agreed to relocate to Glacier Rail Park and requested that BNSF begin the abandonment process for the line.

The Flathead County Planning and Zoning Department supports BNSF's proposed abandonment. The abandonment would be consistent with Flathead County's Growth Policy. Flathead County has indicated that enabling the City to advance its Core Area Plan would bring exciting opportunities not only to the City but to the entire county.

Based on information in BNSF's possession, the line does not contain federally granted right-of-way. The right-of-way is approximately 100 feet wide.

There are seven private at-grade crossings and six public at-grade crossings on the line. Four bridges are located along the line at Milepost 1225.2 (177-foot steel bridge built in 1936), Milepost 1227.1 (138-foot open deck timber pile bridge built in 1945), Milepost 1227.1 (160-foot open deck timber pile bridge built in 1928), and at Milepost 1227.4 (125-foot open deck timber pile bridge built in 1948). BNSF indicates that the bridges on any railbanked segment of the line would not be removed.

BNSF is unaware of any archeological resources or any other previously unknown historic properties in the project area. The right-of-way was disturbed during original construction by cuts and fill and any archeological resources that may have been present would have been affected at that time.

Diversion of Traffic

Mission Mountain Railroad, L.L.C. (MMT) was authorized by the Board to lease the line in 2005. Since that time, MMT has provided local service to two customers on the line. MMT filed for discontinuance of its lease operations in Docket No. AB 1009 (Sub-No. 1X) on June 5,

2017. The two customers on the line, Northwest Drywall & Building Supply and CHS Inc., do not oppose the abandonment of the line and will relocate to Glacier Rail Park. There is no overhead traffic on the line. No passenger or freight traffic would be diverted to other transportation systems. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

BNSF salvage work for abandonments is performed by experienced rail material salvagers and is generally bid on the open market. Each salvage contract includes detailed information on any environmental or historical conditions recommended by OEA and imposed by the Board's final decision. Completed work is independently inspected by BNSF to ensure compliance with BNSF standards of quality and all contractual obligations.

BNSF has indicated that the proposed abandonment would include the removal of track materials such as rails, ties, and four bridges. The railroad right-of-way, ballast, and culverts would remain in place so as not to alter the prevailing waterflows along the line. BNSF salvage contractors are required to limit their activities to the width of the right-of-way and not to place fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted. The bridges on any railbanked segment of the line would not be removed.

According to BNSF, the salvage process would begin with the unbolting of the track materials or rails. With the use of specialized machinery placed on the line's right-of-way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) would be removed. The wooden ties would then be raised from the ballast with a tool designed for minimum disruption of ground material. Good quality ties would be re-used in rail service. Landscape-quality ties would be sold to lumber dealers for landscaping. Scrap ties would be loaded into railcars and shipped to an EPA-approved disposal site.

BNSF states that road crossings would be removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals would be dismantled and removed.

BNSF indicates that there are no known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way.

The line is not located within a designated coastal zone. No designated wetlands or 100-year flood plains would be affected by the proposed abandonment. The U.S. Department of the Army Corps of Engineers, Helena Regulatory Office (Corps) has indicated that it appears that the proposed work would not result in the discharge of dredged or fill material within waters of the United States and does not involve work in, over, or under navigable waters of the United States and no Corps permits would be required.

The U.S. Department of Agriculture, Natural Resource Conservation Service in Missoula has indicated that the proposed abandonment would have no adverse effect on prime agriculture land. Most of the line goes through the City and the soils are mapped as “Urban Land,” which means they have been disturbed by development. There are some soils that are “prime if irrigated” and “farmland of statewide importance” along the southern and western parts of the line. It does not appear that any farmland will be converted as a part of this activity and that impacts to these lands would be minimal.

The U.S. Department of the Interior, Bureau of Land Management (BLM) has indicated that BLM has no lands in the proposed abandonment project location.

BNSF states that no wildlife sanctuaries, refuges, National or State parks, or forests would be adversely affected by activities related to the proposed abandonment. The abandonment would have no adverse effect on endangered or threatened species or areas designated as a critical habitat. The U.S. Fish and Wildlife Service (USFWS) Mountain-Prairie Region Office has reviewed the proposal and determined that there are no endangered or threatened species that would be affected by the proposed abandonment, no critical habitat adjacent or near the line, and no National Wildlife Refuges or other lands managed by USFWS adjacent or near the line. The USFWS, Montana Ecological Services Office has also indicated that the proposed abandonment should have no effect on threatened, endangered, or candidate species.

OEA believes that any air emissions associated with activities related to the proposed abandonment would be temporary and would not have a significant impact on air quality. Noise associated with activities related to the proposed abandonment would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, OEA does not believe that activities related to the proposed abandonment would cause significant environmental impacts.

HISTORIC REVIEW

BNSF submitted an historic report as required by the Board’s environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Montana Historical Society (Montana State Historic Preservation Office or SHPO) pursuant to 49 C.F.R. § 1105.8(c). The SHPO has reviewed the historic report.

The SHPO considers all major railroads eligible for the National Register of Historic Places (National Register) under Criterion A in the State of Montana. The SHPO indicates that the Section 106 report for the Kalispell TIGER Project covered the proposed rail abandonment for the section of the line from Milepost 1225.19 to Milepost 1226.79. The SHPO considers Section 106 consultation with FRA for this portion of the rail abandonment to be complete. FRA is currently working on a Memorandum of Agreement to mitigate the adverse effects of the undertaking for that section. The SHPO recommends that the rail abandonment within the Kalispell TIGER Project be allowed to proceed as planned while the additional rail abandonment goes through its own Section 106 review process. The sections of the rail abandonment from Milepost 1226.79 to Mileposts 1227.10 and 1227.58 were not reviewed as part of the Kalispell TIGER Project and will need to undergo separate Section 106 consultation. Accordingly, OEA is recommending a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register of Historic Places from Milepost 1226.79 to Mileposts 1227.10 and 1227.58 until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.gov/stb/environment/preservation.html>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.² The database indicated that two federally-recognized tribes (Blackfeet Tribe of the Blackfeet Indian Reservation of Montana and the Fort Belknap Indian Community of the Fort Belknap Reservation of Montana) may have knowledge regarding properties of traditional religious and cultural significance within the APE of the proposed abandonment. Accordingly, OEA is sending a copy of this EA to those tribes for review and comment.

CONDITIONS

OEA recommends that the following environmental condition be imposed on any decision granting abandonment authority:

BNSF Railway Company (BNSF) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places from Milepost 1226.79 to Mileposts 1227.10 and 1227.58 until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been completed. BNSF shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Montana

² Native American Consultation Database, <http://grantsdev.cr.nps.gov/Nagpra/NACD/> (last visited June 16, 2017).

Historical Society (SHPO) and the public. BNSF may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, abandonment of the line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail lines, the right-of-way may be suitable for other public use. A request containing the requisite 4-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send original and 2 copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Kenneth Blodgett, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 6 (Sub-No. 495X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Kenneth Blodgett by phone at (202) 245-0305, fax at (202) 245-0454, or e-mail at Kenneth.Blodgett@stb.gov.

Date made available to the public: June 23, 2017.

Comment due date: July 24, 2017.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachments